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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 ANTHONY L. ALLEN, JR.,

12 Petitioner,

13 v.

14 THE PEOPLE OF THE STATE OF
15 CALIFORNIA,

16 Respondent.
17

No. 2:22-CV-0011-DAD-DMC-P

ORDER

18 Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of
19 habeas corpus under 28 U.S.C. § 2254. Pending before the Court is Petitioner’s motion, ECF No.
20 24, captioned “Supplemental Amend./Time Extension/”Preliminary Injunction.”

21 Petitioner asks the Court to extend the “time limit on the third amend.” Id. at 1.
22 Petitioner also states that he is unable to identify the correct official to name as respondent. See
23 id. Petitioner does not seek any form of injunctive relief.

24 A review of the docket reflects that Petitioner timely filed a third amended petition
25 before he filed the instant motion. See ECF No. 23. Respondent has been served and has
26 responded to the amended petition by way of a motion to dismiss arguing failure to exhaust. See
27 ECF No. 34. In the motion to dismiss, Respondent asks in a footnote that the docket be updated
28 to reflect the correct respondent, whom Respondent identifies as the Warden of the California

Men's Colony. See id. at 1, n.1.

Respondent's request to update the docket is well-taken. Petitioner, however, is no longer housed at the California Men's Colony. A change of address form filed on January 27, 2023, indicates that Petitioner is now housed at the California Substance Abuse Treatment Facility. See ECF No. 31. Plaintiff's recent filing at ECF No. 37 confirms this location. The Court takes judicial notice that Bryan D. Phillips is the Warden of the California Substance Abuse Treatment Facility. See U.S. v. 14.02 Acres of Land, 530 F.3d 883, 894 (9th Cir. 2008); see also Fed. R. Evid. 201. The Clerk of the Court will be directed to update the docket accordingly. With this, Petitioner's motion for extension of time is moot to the extent he seeks additional time to amend to name the correct respondent. The matter proceeds on the third amended petition.

Accordingly, IT IS HEREBY ORDERED as follows:

1. The Clerk of the Court is directed to update the docket to reflect that the correct respondent is Bryan D. Phillips, Warden, California Substance Abuse Treatment Facility.

2. Petitioner's motion, ECF No. 24, is denied as moot.

Dated: June 5, 2023



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE